

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Tony Lewis Schlosser,	)	
	)	
Plaintiff,	)	
	)	
	)	<b>ORDER RE PLAINTIFF'S</b>
vs.	)	<b>MOTION FOR LEGAL ASSISTANCE</b>
	)	
DOCR Director Leann Bertsch,	)	
NDSP Warden Tim Schuetzle,	)	
Lt. Ron Bjelland,	)	
Deputy Warden Pat Branson,	)	
COII Wes Wood,	)	Case No. 1:10-cv-00009

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Before the court is a Motion for Legal Assistance filed by the plaintiff. In the motion, plaintiff requests that the court allow David Meador, who the plaintiff classifies as a “legal aid/inmate/paralegal,” to assist him in this case.

Indigent prisoner litigants do not have a constitutional or statutory right to appointed counsel. Davis v. Scott, 94 F.3d 444, 447 (8th Cir. 1996) (citing Swope v. Cameron, 73 F.3d 850, 851-52 (8th Cir. 1996)). They do, however, have a fundamental right of access to the courts, which state prison officials can (but are not necessarily required to) accommodate by allowing the use of “jailhouse lawyers.” E.g., Lewis v. Casey, 518 U.S. 343, 350-351 (1996); Bear v. Kautzky, 305 F.3d 802, 804-806 (8th Cir. 2002). If prison officials allow the use of jailhouse lawyers, they are free to impose reasonable restraints and restrictions upon such inmate assistance, including controlling those who are allowed to provide it. See id.; see generally 60 Am. Jur. 2d Penal and Correctional Etc. § 80 (database updated July 2010). In short, plaintiff has no right to the use of any particular jailhouse lawyer.

For these reasons, plaintiff's motion is **DENIED**. That being said, plaintiff may utilize the assistance of Mr. Meador if permitted to do so by prison officials and does not need court approval. Mr. Meador, however, is not authorized to practice law in this court. Consequently, plaintiff must sign his own pleadings, even if prepared by others, and plaintiff must speak for himself in any court appearances, whether in person or by telephone or video conference.

**IT IS SO ORDERED.**

Dated this 8<sup>th</sup> day of December, 2010.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.  
United States Magistrate Judge